PARTNERSHIP—ACTION—SERVICE OF PROCESS ON ONE PARTNER.—In an action of trespass against a partnership service was had on one partner only. Judgment for want of appearance was entered by the trial court. *Held,* that said judgment was binding on the firm assets. *Walsh* v. *Kirby* (1910), — Pa. St. —, 77 Atl. 452.

The weight of authority is that at *law*, in the absence of a statute, service on each partner is a prerequisite to judgment against the firm: *Rice* v. *Doniphan,* 4 B. Mon. 123; *Faver* v. *Briggs,* 18 Ala. 478; *Demoss* v. *Brewster,* 4 Sm. and M. 661; *Peoples Nat. Bank* v. *Hall,* 76 Vt. 280; *Adam* v. *Townend,* 14 Q. B. D. 103; *Feder* v. *Epstein,* 69 Cal. 457; see also 30 CYC. 569. It must be borne in mind that there are now statutes in many states allowing such a judgment as in the principal case. But the Pennsylvania court did not place the decision on a statute. In that state by a long line of decisions one partner has implied authority to confess judgment against the firm. (See *Boyd* v. *Thompson,* 153 Pa. St. 78). The court reasons that if a judgment confessed by a partner is binding, then the partnership should be bound in an adverse proceeding when service is had on that partner. This result seems sound when it is granted that one partner has implied authority to confess judgment against the firm. But this authority is peculiar to Pennsylvania and not in accord with the weight of authority; MECHEM, ELEMENTS OF PARTNERSHIP, § 179 and cases cited; CLEMENT BATES LAW OF PARTNERSHIP, § 377 and cases cited; *Hall* v. *Lanning,* 91 U. S. 160; *Davenport Mills Co.* v. *Chambers,* 146 Ind. 156; *Burr* v. *Mathers,* 51 Mo. App. 470; *Remington* v. *Cummings,* 5 Wis. 138. Hence it would seem that in the absence of a statute, the decision upon facts like those in the principal case would be different, or at least would be placed on some other ground, in that class of states (and that class includes nearly all of those that have passed on the question) which deny the implied authority of one partner to confess judgment against the firm.

PLEADING—TEST OF CAUSE OF ACTION—INJURIES TO PERSON AND TO PROPERTY.—Plaintiff Ochs while riding in his wagon was run down by a trolley car of defendant company. He was injured in his person, his horse was injured and his wagon damaged. He recovered judgment in a former suit for $200.75 for injuries to his horse and wagon. In present suit for injuries to his person, *held,* that judgment in the first suit is a complete bar to judgment in the second. *Ochs* v. *Public Service Ry. Co.* (1910), — N. J. —, 77 Atl. 533.

The courts have divided on the question whether when a single tortious act of defendant injures both the property and person of plaintiff, the latter has one or two causes of action, which he may bring separately. *King* v. *Chi. etc. R. Co.,* 80 Minn. 83, 82 N. W. 1113, well represents the view of the majority, applying the test that the negligence act determines the cause of action, the injuries to person and property being regarded only as separate items of damage resulting therefrom. The decision in the principal case places New Jersey in the list of states adopting the Minnesota rule. New York in *Reilly* v. *Sicilian Asphalt Paving Co.,* 170 N. Y. 40, 62 N. E. 772,